

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JOHN STEVEN SPARKS,

Plaintiff,

Case No. 13-cv-13954

v

Honorable Thomas L. Ludington  
Magistrate Judge Michael Hluchaniuk

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT, GRANTING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT, AND AFFIRMING THE FINDINGS OF THE  
COMMISSIONER**

On September 16, 2013, Plaintiff John Steven Sparks filed a complaint appealing the determination by the Social Security Administration that he was not entitled to benefits (ECF No. 1). On October 14, 2014 Plaintiff Sparks filed a motion for summary judgment, seeking a determination that the Administrative Law Judge ("ALJ") erred in determining that he was not disabled (ECF No. 20). On November 14, 2014, Defendant Commissioner filed a motion for summary judgment, seeking affirmance of the ALJ's determination. (ECF No. 22). This matter was referred to Magistrate Judge Mark A. Randon (ECF. No. 2) pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1(b)(3), and subsequently reassigned to Magistrate Judge Michael Hluchaniuk.

On November August 10, 2014, Judge Hluchaniuk issued a report recommending that Plaintiff's motion for summary judgment be denied, Defendants' motion for summary judgment be granted, and the findings of the Commissioner be affirmed. Judge Hluchaniuk found no error in the ALJ's determination that Sparks had the residual functional capacity to perform a range of

light work under step five of the disability framework. Accordingly, Judge Hluchaniuk concluded that substantial evidence supported the ALJ's determination that Sparks was not disabled within the meaning of the Social Security Act.

Although Magistrate Judge Hluchaniuk's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 23, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 20, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 22, is **GRANTED**.

It is further **ORDERED** that the decision of the Commissioner of Social Security is **AFFIRMED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: August 31, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 31, 2015.

s/Karri Sandusky  
Karri Sandusky, Acting Case Manager